

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**IN RE: METHYL TERTIARY BUTYL )**  
**ETHER (“MTBE”) PRODUCTS LIABILITY )**  
**LITIGATION )**  
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Master File No. 1:00 – 1898  
MDL 1358 (VSB)  
  
This document pertains to: )  
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*Commonwealth of Pennsylvania v. Exxon Mobil )*  
*Corp., et al., No.: 1:14-cv-06228 )*  
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**STIPULATION AND ORDER OF DISMISSAL AS TO  
TOTALENERGIES PETROCHEMICALS & REFINING USA, INC.**

Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, the Parties hereby stipulate to the dismissal of TotalEnergies Petrochemicals & Refining USA, Inc. (hereinafter “TPRI” or “Settling Defendant”) with prejudice, and further stipulate that no further approval or review of the Settlement Agreement executed by and between the Plaintiff and Settling Defendant (“Agreement”) by the Court is required. This Stipulation of Dismissal is effective upon filing. *Hester Industries, Inc. v. Tyson Foods, Inc.*, 160 F.3d 911, 916 (2nd Cir. 1998).

Is it hereby ORDERED that all of the claims and cross-claims against TPRI are hereby dismissed with prejudice and that no further approval or review of the Agreement is required by the Court.

It is further ORDERED that, in any trial of this action, the trier of fact shall determine Settling Defendant's or any other Releasee's (as that term is defined in the Agreement) apportioned share of liability for any and all claims in the same manner and in the same form of trial verdict as for all non-settling defendants, as if Settling Defendant or any other Releasee(s) had remained Non-Settling Defendant(s). The Commonwealth's recoverable damages against Non-Settling

Defendants will be reduced in accordance with the procedures and provisions set forth in Section III.3 (Contribution Protection) of the Agreement, including, if applicable, by any amounts apportioned to Settling Defendant or any other Releasee in a final judicial determination.

It is further ORDERED that, to the extent applicable, all claims against all Defendants named in the above-captioned action (including Non-Settling Defendants) for all reimbursement payments made, or to be made, from the Pennsylvania Underground Storage Tank Indemnification Fund (“USTIF”) to Settling Defendant or any other Releasee, or for any costs incurred or to be incurred by USTIF in connection with such reimbursement payments to Settling Defendant or any other Releasee, are hereby dismissed with prejudice.

This Stipulation and Order shall not dismiss any other claims by Plaintiff against any other Defendants.

<p>Plaintiff, Commonwealth of Pennsylvania,  By its attorneys,  <u>/s/ Michael Axline (with permission)</u> Michael Axline Miller &amp; Axline, P.C. 1050 Fulton Avenue, Suite 100 Sacramento, CA 95825 Tel: (916) 488-6688 Fax: (916) 488-4288 Email: maxline@milleraxline.com</p>	<p>Defendant, TotalEnergies Petrochemicals &amp; Refining USA, Inc.,  By its attorneys,  <u>/s/ Christopher H. Domingo</u> Christopher H. Domingo Diane L. Myers Jones Day 717 Texas, Suite 3300 Houston, TX 77002 Tel: (832) 239-3939 Fax: (832) 239-3600 Email: chdomingo@jonesday.com Email: dmyers@jonesday.com</p> <p>Traci L. Lovitt Jones Day 250 Vesey Street New York, NY 10281 Tel: (212) 326-3939 Fax: (212) 755-7306 Email: tllovitt@jonesday.com</p>
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<p>Defendants,          Atlantic Richfield Company, BP America Inc., BP Amoco Chemical Company (n/k/a INEOS US Chemical Company), BP Holdings North America Limited, BP p.l.c., BP Products North America, Inc., BP West Coast Productions, L.L.C.,</p> <p>By their attorneys,</p> <p><u>/s/ Amanda A. Jacobowski (with permission)</u></p> <p>J. Andrew Langan          Andrew R. Running          Amanda A. Jacobowski          Kirkland &amp; Ellis LLP          300 North LaSalle Street          Chicago, IL 60654          Tel: (312) 862-2412          Fax: (312) 862-2200          Email: Andrew.langan@kirkland.com          Email: andrew.running@kirkland.com          Email: amanda.jacobowski@kirkland.com</p>	<p>Defendants,          Chevron Corp., Chevron U.S.A., Inc., TRMI-H LLC, and Texaco, Inc.,</p> <p>By their attorneys,</p> <p><u>/s/ Charles Correll (with permission)</u></p> <p>Charles C. Correll, Jr.          James J. Maher          King &amp; Spalding LLP          1100 Louisiana          Houston, TX 77002          Tel: (713) 276-7354          Fax: (713) 751-3290          Email: ccorrell@kslaw.com          Email: jmaher@kslaw.com</p>
<p>Defendants,          Citgo Petroleum Corporation, and Citgo Refining and Chemicals Company, LP,</p> <p>By their attorneys,</p> <p><u>/s/ Susan M. Razzano (with permission)</u></p> <p>Nathan Philip Eimer          Lisa S. Meyer          Susan M. Razzano          Eimer Stahl LLP          224 South Michigan Avenue, Suite 1100          Chicago, IL 60604          Tel: 312-660-7600          Fax: 312-692-1718          Email: neimer@eimerstahl.com          Email: lmeyer@eimerstahl.com          Email: srazzano@eimerstahl.com</p>	<p>Defendants,          ConocoPhillips Company, ConocoPhillips, Phillips 66, Phillips 66 Company,</p> <p>By their attorneys,</p> <p><u>/s/ Jessica Farley (with permission)</u></p> <p>Stephen Cann Dillard          Jessica Farley          Norton Rose Fulbright          1301 McKinney, Suite 5100          Houston, TX 77010          Tel: (713) 651-5507          Fax: (713) 651-5246          Email: steve.dillard@nortonrosefulbright.com          Email: jessica.farley@nortonrosefulbright.com</p>

<p>Defendant, Crown Central, LLC,  By its attorneys,  <u>/s/ Duke K. McCall, III (with permission)</u> Duke K. McCall, III Patrick A. Harvey Morgan, Lewis &amp; Bockius LLP 1111 Pennsylvania Avenue, NW Washington, DC 20004 Tel: (202) 373-6607 Fax: (202) 739-3001 Email: duke.mccall@morganlewis.com Email: patrick.harvey@morganlewis.com</p>	<p>Defendants, Cumberland Farms Inc. and Gulf Oil Limited Partnership,  By their attorneys,  <u>/s/ Chad W. Higgins (with permission)</u> Chad W. Higgins Bernstein Shur 100 Middle Street, P.O. Box 9729 Portland, ME 04104 Tel: (207) 228-7186 Fax: (207) 774-1127 Email: chiggins@bernsteinshur.com  Mark Edward Tully Goodwin Procter, LLP 100 Northern Avenue Boston, MA 02210 Tel: (617) 570-1289 Fax: (617) 523-1231 Email: mtully@goodwinprocter.com</p>
<p>Defendants, Equilon Enterprises LLC, Pennzoil Company, Pennzoil Quaker State Company, Motiva Enterprises LLC, Shell Oil Company, Shell Oil Products Company LLC, TMR Company, Shell Trading (US) Company, and Deer Park Refining LP,  By their attorneys,  <u>/s/ Peter Condon (with permission)</u> Peter Condon Jessica Douglas Gilbert Crowell &amp; Moring, LLP 1001 Pennsylvania Ave., NW Washington, DC 20004 Tel: (202) 624-2558 Fax: (202) 628-5116 Email: pcondron@crowell.com Email: jgilbert@crowell.com</p>	<p>Defendant, George E. Warren LLP,  By its attorneys,  <u>/s/ Ira Brad Matetsky (with permission)</u> Ira Brad Matetsky Ganfer Shore Leeds &amp; Zauderer LLP 360 Lexington Avenue, 14th Floor New York, NY 10017 Tel: (212) 922-9250 Fax: (212) 922-9335 Email: imatetsky@ganfershore.com</p>

<p>Defendants,  Exxon Mobil Corporation, Exxon  Company, U.S.A., ExxonMobil Refining  &amp; Supply Company, Mobil Oil  Corporation, and Exxon Mobil Oil  Corporation,</p> <p>By their attorneys,</p> <p><u>/s/ Lisa Gerson (with permission)</u>  James Anthony Pardo  Lisa Gerson  McDermott, Will &amp; Emery, LLP  One Vanderbilt Avenue  New York, NY 10017  Tel: (212) 547-5353  Fax: (212) 547-5444  Email: jpardo@mwe.com  Email: lgerson@mwe.com</p> <p>William Stack  Carlos Bollar  Archer &amp; Greiner, PC  1025 Lauren Oak Road  Vorhees, NJ 08043  Tel: (856) 795-2121  Tel: (856) 795-0574  Email: wstack@archerlaw.com  Email: cbollar@archerlaw.com</p>	<p>Defendant,  Getty Properties Corp.,</p> <p>By its attorneys,</p> <p><u>/s/ Susan M. Dean (with permission)</u>  John C. McMeekin II  Susan M. Dean  Rawle &amp; Henderson, LLP  The Widener Bldg.,  One South Penn Square  Philadelphia, PA 19107  Tel: (215) 575-4324  Fax: (215) 563-2583  Email: jmcmeekin@rawle.com  Email: sdean@rawle.com</p>
<p>Defendant,  Guttman Realty Company,</p> <p>By its attorneys,</p> <p><u>/s/ Michael D. Hall (with permission)</u>  Michael D. Hall  Buchanan Ingersoll &amp; Rooney P.C.  640 Fifth Avenue, 9<sup>th</sup> Floor  Newark, NJ 10019-6102  Tel: (973) 424-5609  Fax: (973) 273-9430  Email: michael.hall@bipc.com</p>	<p>Defendants,  Hess Corporation and Hess Oil Virgin Islands  Corporation,</p> <p>By their attorneys,</p> <p><u>/s/ Vern Cassin (with permission)</u>  Vernon Cassin  Christopher Danley  Baker Botts LLP  700 K St. NW  Washington, DC 20001  Tel: (202) 639-1139  Fax: (202) 508-9321  Email: christopher.danley@bakerbotts.com  Email: vernon.cassin@bakerbotts.com</p>

<p>Defendants, PJSC LUKOIL, LUKOIL North America LLC and LUKOIL Pan Americas, LLC,  By their attorneys,  <u>/s/ Joseph L. Sorkin (with permission)</u> Joseph. L. Sorkin Akin Gump Strauss Hauer &amp; Feld LLP One Bryant Park New York, NY 10036-6745 Tel: (212) 872-7464 Fax: (212) 872-1002 Email: jsorkin@akingump.com</p>	<p>Defendant, Petroleum Products Corporation,  By its attorneys,  <u>/s/ Christopher T. Scanlon (with permission)</u> Christopher T. Scanlon Clausen Miller PC 28 Liberty Street, 39<sup>th</sup> Floor New York, NY 10005 Tel: (212) 805-3979 Fax: (212) 805-3939 Email: cscanlon@clausen.com</p>
<p>Defendants, Sun Company, Inc., Sunoco Inc., Sunoco, Inc. (R&amp;M), Energy Transfer Partners, L.P., ETP Holdco Corporation, and Sunoco Partners Marketing &amp; Terminals L.P.,  By their attorneys,  <u>/s/ Daniel Mark Krainin (with permission)</u> Nessa Horewitch Coppinger Beveridge and Diamond, P.C. 1900 N Street, NW, Suite 100 Washington, DC 20036 Tel: (202) 789-6053 Fax: (202) 789-6190 Email: ncoppinger@bdlaw.com  Daniel M. Krainin Beveridge &amp; Diamond, P.C. 477 Madison Avenue, 15th Floor New York, NY 10022 Tel: (212) 702-5400 Fax: (212) 702-5450 Email: dkRAININ@bdlaw.com</p>	<p>Defendants, United Refining Company and TransMontaigne Product Services LLC,  By their attorneys,  <u>/s/ Dawn Ellison (with permission)</u> Dawn Ellison Greenberg Traurig LLP 2101 L Street, N.W., Suite 1000 Washington, DC 20037 Tel: (202) 331-3100 Fax: (202) 331-3101 Email: ellisond@gtlaw.com</p>

SO ORDERED the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

UNITED STATES DISTRICT COURT JUDGE